

HAMILTON COUNTY BOARD OF COMMISSIONERS

AND

HAMILTON COUNTY COUNCIL

JOINT MEETING

JUNE 25, 2001

The Hamilton County Board of Commissioners and Hamilton County Council met in joint session on Monday, June 25, 2001 in Conference Room 1A in the Hamilton County Judicial Center, One Hamilton County Square, Noblesville.

A quorum was present of Commissioner Steven C. Dillinger, Commissioner Steven A. Holt and Commissioner Sharon R. Clark.

A quorum was not present of County Council members. Christine Altman, Meredith Carter and John Hiatt were present.

Commissioner Dillinger called the meeting to order.

Ordinance 5-29-01-C, Exempt Employees:

Mr. Michael Howard stated the Board of Commissioners looked at Ms. Altman's revisions to amend Ordinance 5-29-01-C to add the positions and change the language. The Commissioners moved to approve the amendments at their previous meeting today.

Ordinance 5-29-01-B, Amending the Employee Handbook for Employees of Hamilton County, Indiana:

Christine Altman stated we talked about adding language under Maintaining Job Classification System 1. (a) excess balances of an appropriation was not to be encouraged. Ms. Altman stated she is concerned that past practice has been that when we have had an open vacancy the department head or elected official have used that as a fund to increase everybody else. In the past if we were not paying market value we were catching up, is appropriate use of those funds. Now that we have gone through the reclassification process it is an inappropriate use of those funds without prior approval. Meredith Carter stated we are trying to say that anybody that is hired in at a certain level, new, go back to the beginning point as their salary. If it is more than that there has to be some reason why we are going to change that money. Christine asked if there is a problem putting in here that it is not the practice of in section (a), "utilizing excess balance when the vacancy is filled is not to be encouraged?" Christine asked it to say "it will be approved only in the event a clear need is demonstrated."

Dillinger stated this is a Commissioner's ordinance, why don't you throw out your ideas and we can vote whether to adopt this as part of this, one thing at a time. Ms. Altman stated this is a fiscal issue. Dillinger stated this is a Commissioner's ordinance. Ms. Altman stated she is not disagreeing with that, but you are asking us since it is a joint ordinance we are signing off on it too. Holt stated he would like to hear all of Christine's concerns.

Christine stated the only other concern she has is when it says the policy applies to elected officials, but then you exempt us out in a later classification. County Council does not work a full time position. Mr. Howard stated for the Fair Labor Standards Act all of the literature says when in doubt make sure you say it, better to be redundant. The full time elected officials get their salaries and we don't want them to get anymore than that. Christine stated that was fine.

Meredith Carter stated the use of computer and E-mail is not tough enough. The computers should be used for business purposes only. Sharon Clark stated the ISS Department has tried to get a tougher

policy. Meredith suggested rewording Section 5.4, Paragraph 1. "the software piracy issue is neither out of control nor has the potential to be." Mr. Howard stated this is a policy issue, but where does it say thou shall and thou shall not? Ms. Sheena Randall stated there is language in the progressive disciplinary section of the handbook that discusses progressive discipline if an individual has unauthorized personnel use of county equipment or supplies. Mr. Howard stated it does not say thou shall or thou shall not anywhere in the ordinance. Sharon Clark asked if it should be in here? Mr. Howard stated yes. Christine stated the understanding is that they do not load any program that has not been authorized. Holt stated on page 8, paragraph 5 "employees are prohibited from copying software...". Holt stated there needs to be a penalty section. Mr. Howard stated we need to say no software will be installed or downloaded without consent. If someone brings their games in and loads them, as your lawyer you have no right to discipline them. There needs to be an expressed provision that you shall not permit anyone to load any software without consent. Holt stated there needs to be another paragraph that says violation of any of the above provisions with regard to software practices subject you to the full gamut of Hamilton County Disciplinary procedures. Mr. Howard asked if it says somewhere in here that the system or software shall not be used for private use? Holt stated paragraph 4, page 8 "software licensed to the County shall not be duplicated...etc." Mr. Howard stated it says the software can not be installed but there is nothing in here that says private use. You can't do anything about people sending you private E-mail, but there is nothing here that says you can't use private E-mail for private correspondence. It is the use, not the software. Defining what you think is private use verses public use is an ultimate issue. Dillinger asked how do you distinguish that from the telephone? Christine stated you can't. Holt stated or the mail with your own stamp? Dillinger stated you have to use reason. Why put things in there that are unforceable? Clark asked if we want to include penalties? Christine stated in theory if they break this they have broken the whole thing. Mr. Howard stated the progressive discipline says violation of this policy shall, if this goes in to the policy it is covered. Mr. Howard stated he would like it to be a little more expressed, it is good enough.

John Hiatt asked about software updates, does the ISS Department take care of that? Updates can be downloaded from the Internet. Mr. Howard asked if the question is if ISS would have to approve that update? Ms. Randall stated ISS will load the update. John asked what if it comes to his office do we have to contact ISS to tell them or do all updates come to ISS. Ms. Randall stated he would have to contact BJ Casali. Christine asked if updates are included in the ordinance? Holt stated updates are still software licensed to the County. Meredith asked Sheena to ask BJ Casali about this.

Clark asked Meredith if he wants to drop the last sentence under Section 5.4, Paragraph 1, "Currently within the County, the software piracy issue is neither out of control nor has the potential to be." Mr. Howard asked Ms. Randall to cross that sentence out.

Holt motioned to adjourn. Clark seconded. Motion carried unanimously. Meeting adjourned.

Present:

APPROVED:

Steven C. Dillinger, Commissioner

HAMILTON COUNTY BOARD OF COMMISSIONERS

Steven A. Holt, Commissioner

Sharon R. Clark, Commissioner

Christine Altman, Councillor

Meredith Carter, Councillor

John Hiatt, Councillor

Robin M. Mills, Auditor

Michael A. Howard, County Attorney

Les Locke, Highway Engineer

Dawn Coverdale, Chief Deputy Auditor

Kim Rauch, Executive Secretary to Auditor

Kate Lewis, Ledger

Stu Hirsch, Metro North

ATTEST:

Robin M. Mills, Auditor